

REMARKS

Claims 1-20 are pending in the Application.

Claims 1-12 and 14 are allowed.

Claims 13 and 15-20 are rejected.

Claims 13 and 15-20 are cancelled herein without prejudice.

I. ALLOWABLE CLAIMS

Examiner has indicated that Claims 1-12 and 14 are allowable over the prior art of record. Office Action, at 4.

II. REJECTIONS UNDER 35 U.S.C. § 101

In the Office Action, Examiner has rejected Claims 13 and 15-20 under 35 U.S.C. §101 as not falling within one of the four statutory categories of the invention.¹ Office Action, at 2.

Applicant traverses these rejections.

However, to facilitate prosecution of the Application, Applicant has herein cancelled Claims 13 and 15-20 without prejudice. Therefore, these rejections of Claims 13 and 15-20 under §101 are now moot.

III. REJECTIONS UNDER 35 U.S.C. § 103(a) OVER *KNEBEL* IN VIEW OF *SAMPAS*

In the Office Action, Examiner has rejected Claims 15-20 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,687,035 ("*Kneble*") in view of U.S. Patent No. 6,750,963

¹ In these rejections, Examiner indicated Claims 1-2 were also rejected under §101. Office Action, at 2. As the Examiner subsequently indicated Claims 1 and 2 were allowable (Office Action, at 4) and had not explained the basis as to why system Claims 1 and 2 were rejected under §101, Applicant contacted Examiner Sherali Ishrat by telephone to reconcile this apparent contradiction present in the Office Action. On July 1, 2009, Examiner Ishrat confirmed to Applicant that Claims 1-2 were in allowable form and these claims were not rejected under §101. Applicant and its counsel express sincere appreciation to Examiner Ishrat for the courtesy extended to Applicant during these discussions and for clarifying for Applicant the current status of Claims 1 and 2 of the Application.

("Sampas"). Office Action, at 3-4.

Applicant traverses these rejections.

However, to facilitate prosecution of the Application, Applicant has herein cancelled Claims 15-20 without prejudice. Therefore, these rejections of Claims 15-20 under §103(a) are now moot.

IV. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that the pending Claims in the Application are now in a condition for allowance, and respectfully requests allowance of such Claims.


Applicant believes that no fees are required with this amendment. However, should any further fees be required, the Commissioner is authorized to charge such fees to Deposit Account No. 06-1050. Please reference Attorney Docket No. 23787-0003US1.

Applicant respectfully requests that the Examiner call Applicant's attorney at number listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Date: _____

7/2/09

Respectfully submitted,



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